

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 BLAINE HARRINGTON III,  
12 Plaintiff,  
13 v.  
14 DEEPAK DUGAR, M.D. A MEDICAL  
15 CORPORATION,  
16 Defendant.  
17

No. CV 22-8230-HDV (Ex)

SETTLEMENT CONFERENCE

ORDER

18 **PLEASE READ THIS ORDER CAREFULLY!** The Honorable  
19 Hernan D. Vera, United States District Judge, has referred this case  
20 for a settlement conference. Magistrate Judge Charles F. Eick will  
21 act as a settlement judge who will not be involved in the actual  
22 trial of the case and who will assist in an objective appraisal and  
23 evaluation of the lawsuit. The following are mandatory guidelines  
24 for the parties in preparing for the settlement conference.  
25

26 1. The settlement conference shall take place exclusively by  
27 telephone. In addition to counsel who will try the case being  
28 present telephonically, a person with full settlement authority must

1 likewise be present telephonically for the conference. This  
2 requirement contemplates the presence of your client or, if a  
3 corporate or governmental entity, an authorized representative of  
4 your client.<sup>1/</sup> For a defendant, such representative must have final  
5 settlement authority to commit the defendant to pay, in the  
6 representative's discretion, a settlement amount recommended by the  
7 settlement judge up to the plaintiff's prayer (excluding punitive  
8 damage prayers in excess of \$100,000.00) or up to the plaintiff's  
9 last demand, whichever is lower.<sup>2/</sup> For a plaintiff, such  
10 representative must have final authority, in the representative's  
11 discretion, to authorize dismissal of the case with prejudice, or to  
12 accept a settlement amount recommended by the settlement judge down  
13 to the defendant's last offer. The purpose of this requirement is to  
14 have representatives present telephonically who can settle the case  
15 during the course of the conference without consulting a superior.

16  
17 2. If Board approval is required to authorize settlement,  
18 telephonic attendance of the entire Board is requested. The  
19 telephonic attendance of at least one sitting member of the Board  
20 (preferably the Chairman) is absolutely required.

21  
22 3. Counsel appearing telephonically without their clients  
23 (whether or not you have been given settlement authority) will cause

24 <sup>1</sup> However, if the United States or a federal agency is a party, an  
25 Assistant U.S. Attorney may appear without a representative. See  
Local Rule 16-14.5(b).

26 <sup>2</sup> If the settlement amount would be paid by a governmental entity,  
27 the representative of the defendant need not have such final  
28 settlement authority, but shall have as much settlement authority as  
would be practical to obtain before the conference.

1 the conference to be cancelled and rescheduled. The noncomplying  
2 party, attorney, or both, may be assessed the costs and expenses  
3 incurred by other parties and the court as a result of such  
4 cancellation, as well as any additional sanctions deemed appropriate.  
5

6 4. Any insurance company that is a party or is contractually  
7 required to defend or to pay damages, if any, assessed within its  
8 policy limits in this case, must have a fully authorized settlement  
9 representative telephonically present at the conference. Such  
10 representative must have final settlement authority to commit the  
11 company to pay, in the representative's discretion, an amount  
12 recommended by the settlement judge within the policy limits. The  
13 purpose of this requirement is to have an insurance representative  
14 present who can settle the outstanding claim or claims during the  
15 course of the conference without consulting a superior. An insurance  
16 representative authorized to pay, in his or her discretion, up to the  
17 plaintiff's last demand will also satisfy this requirement. Counsel  
18 of record will be responsible for timely advising any involved non-  
19 party insurance company of the requirements of this Order.  
20

21 5. The settlement judge may, in his discretion, converse with  
22 the lawyers, the parties, the insurance representatives, or any one  
23 of them outside of the hearing of the other.  
24

25 6. Prior to the settlement conference, the attorneys are  
26 directed to discuss settlement with their respective clients and  
27 insurance representatives, so the parameters of settlement have been  
28 explored well in advance of the settlement conference.

